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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/660,881 | 09/11/2003 | Michael A. Chack | 2950P071D | 6930 |

24628 7590 06/14/2007
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EXAMINER

NGUYEN, THANH T

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| ART UNIT | PAPER NUMBER |
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2144

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| MAIL DATE | DELIVERY MODE |
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06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,881

Applicant(s)

CHACK, MICHAEL A.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/22/06, 10/11/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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Detailed Office Action

1. This action is in response to most recent papers received.
2. Claims 1-12 have been examined.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on October 11, 2005, and May 22, 2006 was filed after the mailing date of the instant application on September 11, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim objections

4. Claims 1, 5, and 9 are objected to because of the following informalities:
5. Claim 1 recites the limitation "the remainder" in line 8. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 5 recites the limitation "the remainder" in line 6. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 9 recites the limitation "the remainder" in line 9. There is insufficient antecedent basis for this limitation in the claim.
8. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamadani et al., (hereinafter Hamadani) U.S. Patent No. 5,742,757 in view of Jonathan Clark., (hereinafter Clark) Publication No. 2001/0011254A1.
11. As to claim 1, Hamadani discloses the invention substantially as claimed, Hamadani teaches the invention including a method of queuing request to access to a server having software with a set number of available licenses, the method comprising: receiving requests for access to the software on the server (*central computer 20 of fig. 1*) from a plurality of remote users (*EWSs 10s of fig. 1*) [see Hamadani col.3, lines 45-53] (*a customer license manager 28 receives license requests from the EWSs 10*); allowing access to the software on the server to some of the plurality of remote users

[see Hamadani, col.4, lines 10-16, and col.5, lines 19-21] (*In response to a license request from a EWS 10, the customer license manager 28 controls the monitor program 24 to search the license data base 22 for software licenses available to run a software tool required by the requesting EWS 10, and if the node-locked license is available, the requester is allowed to user it*); placing the remainder of the plurality of remote users in a queue [see Hamadani, col.3, lines 49-53, and col.4, lines 60-65] (*a queuing manager 32 maintains a queue of license requests if a required license is not available at the time of a request*); sending alerts (*notify*) to remote users as licenses become available [see Hamadani, col.2, lines 64-67, and col.4, lines 62-67] (*the computer is notified in order of the queue when license for the software tool becomes available*); and allowing access to the software on the server to the queued remote users [see Hamadani, col.4, line 63 to col.5, line 5, and col5, lines 22-57] (*if the floating license is available, the requester is allowed to use it*). However, Hamadani does not explicitly disclose the number of remote users allowed access does not exceed the set number of available licenses.

12. In the same field of endeavor, Clark discloses (e.g., distributed execution software license server). Clark discloses the number of remote users allowed access does not exceed the set number of available licenses (*Clark teaches group of users to share a license as long as the number of simultaneous users does not exceed the number of licenses*). [see Clark, paragraph 0016].
13. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Clark's teaching of a

distributed execution software license server with the teachings of Hamadani to have the number of remote users allowed access does not exceed the set number of available licenses, for the purpose of protecting them from unauthorized, and unlicensed use [see Clark, paragraph 0020]. Thus Hamadani provides the motivation by stating that there exists a need to provide an automatic system for monitoring the availability of software licenses [see Hamadani col.1, lines 65-67].

14. As to claim 2, Hamadani, teaches the invention as claimed, wherein further comprising sending a message to the remote users that are placed in the queue [see Hamadani, col.5, lines 50-57] (*the license manager notifies the requesting EWS 10 when its request can be served in order of the queue*).
15. As to claim 3, Hamadani teaches the invention as claimed, wherein each of the queued remote users is allowed access to the software on the server only after the remote user responds to the alert [see Hamadani, col.4, lines 60-67, and col.5, lines 41-51] (*notify and allow the first request in the queue to be served*).
16. As to claim 4, Hamadani teaches the invention as claimed, wherein the remote users in the queue are prioritized based on when the requests are received [see Hamadani, col.4, line 67 to col.5, line 5] (*the request is put on license request queue in accordance with their priorities establishing by the queuing manager 32*).
17. As to claim 5, Hamadani, discloses the invention substantially as claimed, Hamadani teaches including a server comprising: a receiver to receive requests for access to a software on the server (*central computer 20 of fig.1*) from a plurality of remote users (*EWSs 10s of fig.1*) [see Hamadani col.3, lines 45-53] (*a customer license manager*

28 receives license requests from the EWSs 10) the software having a set number of available licenses (RAM license availability table of fig. 1); a processor to allow access to the software on the server to some of the plurality of remote users [see Hamadani, col.4, lines 10-16, and col.5, lines 19-21] (In response to a license request from a EWS 10, the customer license manager 28 controls the monitor program 24 to search the license data base 22 for software licenses available to run a software tool required by the requesting EWS 10, and if the node-locked license is available, the requester is allowed to user it); and to place the remainder of the plurality of remote users in a queue [see Hamadani, col.3, lines 49-53, and col.4, lines 60-65] (a queuing manager 32 maintains a queue of license requests if a required license is not available at the time of a request); a transmitter to send alerts to remote users as licenses become available [see Hamadani, col.2, lines 64-67, and col.4, lines 62-67] (the computer is notified in order of the queue when license for the software tool becomes available); wherein the processor allows access to the software to the queued remote users [see Hamadani, col.4, line 63 to col.5, line 5, and col5, lines 22-57] (if the floating license is available, the requester is allowed to use it). However, Hamadani does not explicitly disclose the number of remote users allowed access does not exceed the set number of available licenses.

18. In the same field of endeavor, Clark discloses (e.g., distributed execution software license server). Clark discloses the number of remote users allowed access does not exceed the set number of available licenses (*Clark teaches group of users to share a*

license as long as the number of simultaneous users does not exceed the number of licenses). [see Clark, paragraph 0016].

19. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Clark's teaching of a distributed execution software license server with the teachings of Hamadani to have the number of remote users allowed access does not exceed the set number of available licenses, for the purpose of protecting them from unauthorized, and unlicensed use [see Clark, paragraph 0020]. Thus Hamadani provides the motivation by stating that there exists a need to provide an automatic system for monitoring the availability of software licenses [see Hamadani col.1, lines 65-67].
20. As to claim 6, Hamadani discloses the invention as claimed, wherein the transmitter sends a message to the remote users that are placed in the queue [see Hamadani, col.5, lines 50-57] (*the license manager notifies the requesting EWS 10 when its request can be served in order of the queue*).
21. As to claim 7, Hamadani discloses the invention as claimed, wherein each of the queued remote users is allowed access to the software on the server only after the remote user responds to the alert [see Hamadani, col.4, lines 60-67, and col.5, lines 41-51] (*notify and allow the first request in the queue to be served*).
22. As to claim 8, Hamadani discloses the invention as claimed, wherein the remote users in the queue are prioritized based on when the requests are received [see Hamadani, col.4, line 67 to col.5, line 5] (*the request is put on license request queue in accordance with their priorities establishing by the queuing manager 32*).

23. As to claim 9, Hamadani discloses the invention substantially as claimed, Hamadani teaches including a computer-readable medium having stored thereon data representing instructions that, when executed by a processor of a server, cause the processor to perform operations comprising: receiving requests for access to software on the server (*central computer 20 of fig. 1*) from a plurality of remote users (*EWSs 10s of fig. 1*) [see Hamadani col.3, lines 45-53] (*a customer license manager 28 receives license requests from the EWSs 10*), the software having a set number of available licenses (*RAM license availability table of fig. 1*); allowing access to the software on the server to some of the plurality of remote users [see Hamadani, col.4, lines 10-16, and col.5, lines 19-21] (*In response to a license request from a EWS 10, the customer license manager 28 controls the monitor program 24 to search the license data base 22 for software licenses available to run a software tool required by the requesting EWS 10, and if the node-locked license is available, the requester is allowed to user it*); placing the remainder of the plurality of remote users in a queue [see Hamadani, col.3, lines 49-53, and col.4, lines 60-65] (*a queuing manager 32 maintains a queue of license requests if a required license is not available at the time of a request*); sending alerts to remote users as licenses become available [see Hamadani, col.2, lines 64-67, and col.4, lines 62-67] (*the computer is notified in order of the queue when license for the software tool becomes available*); and allowing access to the software on the server to the queued remote users [see Hamadani, col.4, line 63 to col.5, line 5, and col5, lines 22-57] (*if the floating license is available, the requester is allowed to use it*). However, Hamadani does not

explicitly disclose the number of remote users allowed access does not exceed the set number of available licenses.

24. In the same field of endeavor, Clark discloses (e.g., distributed execution software license server). Clark discloses the number of remote users allowed access does not exceed the set number of available licenses (*Clark teaches group of users to share a license as long as the number of simultaneous users does not exceed the number of licenses*). [see Clark, paragraph 0016].
25. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Clark's teaching of a distributed execution software license server with the teachings of Hamadani to have the number of remote users allowed access does not exceed the set number of available licenses, for the purpose of protecting them from unauthorized, and unlicensed use [see Clark, paragraph 0020]. Thus Hamadani provides the motivation by stating that there exists a need to provide an automatic system for monitoring the availability of software licenses [see Hamadani col.1, lines 65-67].
26. As to claim 10, Hamadani discloses the invention as claimed, wherein the instructions further cause the processor to send a message to the remote users that are placed in the queue [see Hamadani, col.5, lines 50-57] (*the license manager notifies the requesting EWS 10 when its request can be served in order of the queue*).
27. As to claim 11, Hamadani discloses the invention as claimed, wherein each of the queued remote users is allowed access to the software on the server only after the

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remote user responds to the alert [see Hamadani, col.4, lines 60-67, and col.5, lines 41-51] (*notify and allow the first request in the queue to be served*).

28. As to claim 12, Hamadani discloses the invention as claimed, wherein the remote users in the queue are prioritized based on when the requests are received [see Hamadani, col.4, line 67 to col.5, line 5] (*the request is put on license request queue in accordance with their priorities establishing by the queuing manager 32*).

Conclusion

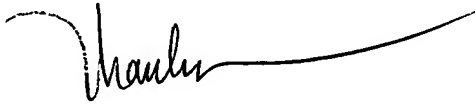
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***William Vaughn*** can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thanh', followed by a long, sweeping horizontal line that extends to the right.

Thanh Tammy Nguyen
Patent Examiner